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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,774	11/09/2001	Hans-Karl Soest	Mo-6435/LeA 34,841	3090

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BAYER CHEMICALS CORPORATION
PATENT DEPARTMENT
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EXAMINER

HOPKINS, ROBERT A

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,774

Applicant(s)

SOEST ET AL.

Examiner

Robert A Hopkins

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10-27, 1-13 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites "a composition comprising a colored sugar juice and a monodisperse anion exchanger". Examiner notes that since the anion exchanger is an adsorber for the color portion of the sugar juice, the anion exchanger and sugar juice are separate entities, and thus the claim should be directed towards a mixture than a composition. A composition would seem to require a specific breakdown of the components of either the colored sugar juice or the monodisperse anion exchanger, however such a specific breakdown is not claimed. Correction is requested. Claims 8-10 depend on claim 7 and hence are also rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Chong(4380590).

Chong teaches a process comprising treating color sugar juice with a monodisperse anion exchanger and decolorizing the sugar juice(example 27 in column 22 lines 52-68; column 4 lines 49-62). Chong further teaches wherein the monodisperse anion exchanger is selected from the group consisting of microporous bead polymers, gel-type bead polymers and macroporous bead polymers. Chong further teaches wherein the monodisperse anion exchangers are functionalized with primary or tertiary amino groups or quaternary amino groups or their mixtures((column 8 lines 43-53). Chong further teaches wherein the monodisperse anion exchangers are crosslinked polymers of ethylenically monounsaturated monomers(column 5 lines 30-32; column 7 lines 3-11).

Claim 6 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Chong(4380590).

Chong teaches a decolorized juice. Examiner notes that the patentability of product by process claims are based on the patentability of the product alone.

Claims 7-10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Chong(4380590).

Chong teaches a composition comprising a colored sugar juice and a monodisperse anion exchanger. Chong further teaches wherein the monodisperse anion exchanger is selected from the group consisting of microporous bead polymers, gel-type bead polymers and macroporous bead polymers. Chong further teaches wherein the monodisperse anion exchangers are functionalized with primary or tertiary amino groups or quaternary amino groups or their mixtures((column 8 lines 43-53).

Art Unit: 1724

Chong further teaches wherein the monodisperse anion exchangers are crosslinked polymers of ethylenically monounsaturated monomers(column 5 lines 30-32; column 7 lines 3-11).

Claim 6 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fries et al(4082701).

Fries et al teaches a decolorized juice. Examiner notes that the patentability of product by process claims are based on the patentability of the product alone.

Claim 6 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kunin et al(3791866).

Kunin et al teaches a decolorized juice. Examiner notes that the patentability of product by process claims are based on the patentability of the product alone.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chong(4380590).

Chong discloses a process comprising treating color sugar juice with a monodisperse anion exchanger and decolorizing the sugar juice(example 27 in column 22 lines 52-68; column 4 lines 49-62), wherein the treating of the colored sugar juice comprises flushing monodisperse anion exchangers into a heatable glass filter tube,

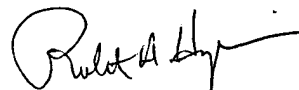
Art Unit: 1724

heating the system from about 20 degrees C to about 100 degrees C, filtering the aqueous sugar solution to be decolorized via the adsorber resin bed in the loading direction from top to bottom or in reverse flow direction, and passing the mixture through a pressure filter. Chong is silent as to a step of draining off adsorber resin with deionized water and regenerating the adsorber resin. Examiner respectfully submits that draining adsorber resin with deionized water and regenerating the adsorber resin are well known steps after passing a substance through an ion exchanger bed, therefore it would have been obvious to someone of ordinary skill in the art at the time of the invention to substitute a step of draining adsorber resin with deionized water and regenerating the adsorber resin for filtering through a pressure filter in order to provide for a more complete regeneration of the adsorber resin.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday 9:00am-4:00pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0987.



Robert A Hopkins
Primary Examiner
Art Unit 1724

Rah
December 12, 2003